

(i) A permit has not been issued for the importation of the horse or horse test specimen;

(ii) If the horse or horse test specimen is unaccompanied by the permit issued for its importation;

(iii) If the horse or horse test specimen is shipped from any port other than the one designated in the permit;

(iv) If the horse or horse test specimen arrives in the United States at any port other than the one designated in the permit;

(v) If the horse or horse test specimen offered for entry differs from that described in the permit; or

(vi) If the horse or horse test specimen is not handled as outlined in the application for the permit and as specified in the permit issued.

[55 FR 31495, Aug. 2, 1990, as amended at 56 FR 15489, 15492, Apr. 2, 1991; 56 FR 15489, 15492, Apr. 17, 1991; 56 FR 63627, Dec. 5, 1991; 56 FR 66781, Dec. 26, 1991; 57 FR 27901, June 23, 1992; 59 FR 31924, June 21, 1994; 59 FR 52237, Oct. 17, 1994; 60 FR 49752, Sept. 27, 1995; 61 FR 1699, Jan. 23, 1996; 61 FR 52239, 52245, Oct. 7, 1996. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

#### **§ 93.305 Declaration and other documents for horses.**

(a) The certificates, declarations, and affidavits required by the regulations in this part shall be presented by the importer or his or her agent to the collector of customs at the port of entry, upon arrival of horses at such port, for the use of the veterinary inspector at the port of entry.

(b) For all horses offered for importation, the importer or his or her agent shall first present two copies of a declaration which shall list the port of entry, the name and address of the importer, the name and address of the broker, the origin of the horses, the number, breed, species, and purpose of the importation, the name of the person to whom the horses will be delivered, and the location of the place to which such delivery will be made.

#### **§ 93.306 Inspection at the port of entry.**

(a) Inspection shall be made at the port of entry of all horses imported from any part of the world except as provided in §§ 93.318 and 93.323. All horses found to be free from commu-

nicable disease and not to have been exposed thereto within 60 days prior to their exportation to the United States shall be admitted subject to the other provisions in this part; all other horses shall be refused entry. Horses refused entry, unless exported within a time fixed in each case by the Administrator of Veterinary Service, and in accordance with other provisions he or she may require in each case for their handling shall be disposed of as the Administrator may direct in accordance with provisions of section 2 of the Act of July 2, 1962 (21 U.S.C. 134a), or the provisions of section 8 of the Act of August 30, 1890 (21 U.S.C. 103). Such portions of the transporting vessel, and of its cargo, which have been exposed to any such horses or their emanations shall be disinfected in such manner as may be considered necessary by the inspector in charge at the port of entry, to prevent the introduction or spread of livestock or poultry disease, before the cargo is allowed to land.

[55 FR 31495, Aug. 2, 1990. Redesignated and amended at 62 FR 56012, 56016, Oct. 28, 1997]

#### **§ 93.307 Articles accompanying horses.**

No litter or manure, fodder or other aliment, nor any equipment such as boxes, buckets, ropes, chains, blankets, or other things used for or about horses governed by the regulations this part, shall be landed from any conveyance except under such restrictions as the inspector in charge at the port of entry shall direct.

#### **§ 93.308 Quarantine requirements.**

(a) Except as provided in this section and in § 93.324, horses intended for importation into the United States from any part of the world shall be shipped directly to a port designated in §§ 93.303 and 93.324 and be quarantined at said port until negative results to port of entry tests are obtained and the horses are certified by the port veterinarian to be free from clinical evidence of disease.

(1) Except as provided in §§ 93.317 and 93.324, and except with respect to horses from Argentina, Bermuda, and the British Virgin Islands, horses intended for importation from the Western Hemisphere shall be quarantined at a port designated in § 93.303 for not less

than 7 days to be evaluated for signs of Venezuelan equine encephalomyelitis.

(2) Horses intended for importation from regions APHIS considers to be affected with African horse sickness may enter the United States only at the port of New York, and must be quarantined at the New York Animal Import Center in Newburgh, New York, for at least 60 days. This restriction also applies to horses that have stopped in or transited a region considered affected with African horse sickness. APHIS considers the following regions to be affected with African horse sickness: All the regions on the continent of Africa, except Morocco; Oman; Qatar; Saudi Arabia; and the Yemen Arab Republic.

(3) To qualify for release from quarantine, all horses must test negative to official tests for dourine, glanders, equine piroplasmosis, and equine infectious anemia.<sup>14</sup> However, horses imported from Australia and New Zealand are exempt from testing for dourine and glanders. In addition, all horses must undergo any other tests, inspections, disinfections, and precautionary treatments that may be required by the Administrator to determine their freedom from communicable diseases.

(4) Any quarantine period required for a horse shall be counted using the first day after arrival of the horse at the quarantine facility as the first day of quarantine and may be extended for such additional period as the Administrator may require to determine its freedom from disease. Any horse which is positive to any of the port of entry tests named in this paragraph or any other test required by the Administrator, or which is found by the port veterinarian to exhibit evidence of communicable disease during quar-

antine shall be refused entry into the United States and removed by the importer to a country other than the United States within 10 days of the date that the importer is notified by APHIS that such horse has been refused entry into the United States. Upon request, the Administrator may grant additional time for the removal of a horse from the United States in any case in which he or she determines that delay is unavoidable due to unforeseen circumstances and the additional time for removal of the horse will not present a threat of the spread of communicable disease to other animals in the United States. At the option of the importer, such horse may be disposed of in accordance with such conditions as the Administrator believes necessary to prevent the dissemination of communicable disease into the United States. The importer shall be responsible for all costs of such removal or disposal.

(b) *Special provisions.* Horses presented for entry into the United States as provided in §93.303(e) of this part shall be quarantined in facilities provided by the importer and approved by the Administrator. Requests for approval and plans for proposed facilities shall be submitted no less than 15 days before the proposed date of entry of horses into the quarantine facility to the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road, Unit 38, Riverdale, Maryland 20737-1231. Before the facility is approved, an inspection of the facility shall be made by a Veterinary Medical Officer of APHIS, to determine whether it complies with the standards set forth in paragraph (c) of this section: *Provided, however,* That approval of any quarantine facility and use of such facility shall be contingent upon a determination made by the Administrator that adequate personnel are available to provide services required by the facility. Approval of any facility may be refused and approval of any approved quarantine facility may be withdrawn at any time by the Administrator, upon his or her determination that any requirement of this section is not being met. Before such action is taken, the

<sup>14</sup>Because the official tests for dourine and glanders are performed only at the National Veterinary Services Laboratories in Ames, IA, the protocols for those tests have not been published and are, therefore, not available; however, copies of "Protocol for the Complement-Fixation Test for Equine Piroplasmosis" and "Protocol for the Immuno-Diffusion (Coggins) Test for Equine Infectious Anemia" may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import and Export, 4700 River Road Unit 38, Riverdale, MD 20737-1231.

operator of the facility shall be informed of the reasons for the proposed action by the Administrator and afforded an opportunity to present his or her views thereon. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict. The cost of the facility and all maintenance and operation costs of such facility shall be borne by the importer.

(c) *Standards and handling procedures for approval of quarantine facilities provided by the importer.* To qualify for designation as an approved quarantine facility provided by the importer for horses, the facility shall be maintained and operated in accordance with the following standards:

(1) *Supervision of the facility.* The facility shall be under the general supervision of an APHIS veterinarian. Inspection and quarantine services shall be arranged by the importer of his or her agent with the Veterinarian in Charge, Veterinary Services, APHIS, USDA, for the State in which the approved facility is located,<sup>15</sup> no less than 7 days before the proposed date of entry of the horses into the quarantine facility.

(2) *Physical requirements for facilities.*

(i) *Location.* The facility shall be located and constructed to prevent horses from having physical contact with animals outside the facility.

(ii) *Construction.* (A) The facility shall be constructed only with materials that can withstand repeated cleaning and disinfection in accordance with §§71.7 and 71.10 of subchapter C of this title. (All walls, floors and ceilings shall be constructed of solid impervious material.)

(B) Doors, windows, and other openings of the facility shall be provided with double screens which will prevent insects from entering the facility.

(3) *Sanitation and security.* (i) The importer shall arrange for a supply of water adequate to clean and disinfect

the facility in accordance with §§71.7 and 71.10 of subchapter C of this title.

(ii) All feed and bedding used for horses in approved quarantine facilities shall originate from an area not under quarantine because of cattle fever ticks (see §§72.3 and 72.5 of subchapter C of this title) and shall be stored within the facility.

(iii) Upon the death or destruction of any horse, the importer shall arrange for the disposal of the horse's carcass by incineration. Disposal of all other waste removed from the facility during the time the horses are in quarantine or from horses which are refused entry into the United States shall be either by incineration or in a public sewer system which meets all applicable environmental quality control standards. Following completion of the quarantine period and the release of the horses into the United States all waste may be removed from the quarantine facility without further restriction.

(iv) The facility shall be maintained and operated in accordance with any additional requirements the Administrator deems appropriate to prevent the dissemination of any communicable disease.

(v) The facility shall comply with all applicable local, State and Federal requirements for environmental quality.

(4) *Operational procedures.*

(i) *Personnel.* (A) Access to the facility shall be granted only to persons working at the facility or to persons specifically granted such access by the supervising APHIS veterinarian.

(B) The importer shall provide attendants for the care and feeding of horses while in the quarantine facility.

(C) Persons working in the quarantine facility shall not come in contact with any horses outside the quarantine facility during the quarantine period for any horses in such quarantine facility.

(ii) *Handling of horses in quarantine.* Horses offered for importation into the United States which are quarantined in an approved quarantine facility provided by the importer shall be handled

<sup>15</sup> The name and address of the Veterinarian in Charge of any State are available from the Animal and Plant Health Inspection Service, Veterinary Services, National Center for Import-Export, 4700 River Road Unit 38, Riverdale, Maryland 20737-1231.

in accordance with § 93.308(a) while in quarantine.

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**§ 93.309 Horse quarantine facilities.**

(a) *Privately operated quarantine facilities.* The importer, or his or her agent, of horses subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the privately operated quarantine facility and for the care, feed, and handling of the horses from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such horses and must be approved by the Administrator prior to the issuance of any import permit. The facilities occupied by horses should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of horses, or the sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by APHIS in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the horses may be disposed of as the Administrator, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his or her agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS for damages which may arise from such services. The Ad-

ministrator, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his or her agent, in connection with each separate lot of horses shall be made by certified check or U.S. money order prior to release of the horses. If such payment is not made, the horses may be sold in accordance with the procedure described in paragraph (b) of this section, or otherwise disposed of as directed by the Administrator.

(b) *Quarantine facilities maintained by APHIS.* The importer, or his or her agent, of horses subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the horses from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Administrator. The importer or his or her agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and APHIS or any employee of APHIS, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; APHIS assumes no responsibility with respect thereto. The Administrator may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his or her agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his or her agent, in connection with each separate lot of horses shall be made by certified check or U.S. money order prior to release of the horses. If such payment is not made, the horses may be sold in accordance with the procedure